

NATIONAL RECOVERY ADMINISTRATION

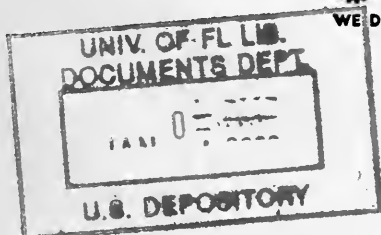
AMENDMENT TO SUPPLEMENTARY CODE
OF FAIR COMPETITION

FOR THE

CEMENT GUN CONTRACTORS'
INDUSTRY

(A Division of the Construction Industry)

AS APPROVED ON JULY 19, 1934



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**AMENDMENT TO SUPPLEMENTARY CODE OF
FAIR COMPETITION**

FOR THE

CEMENT GUN CONTRACTORS' INDUSTRY

As Approved on July 19, 1934

ORDER

APPROVING MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CEMENT GUN CONTRACTORS' INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Supplementary Code of Fair Competition for the Cement Gun Contractors' Division of the Construction Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 19, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on a modification of the Supplementary Code of Fair Competition for the Cement Gun Contractors' Division of the Construction Industry which was approved by you on March 21, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 19, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CEMENT GUN CONTRACTORS' INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

Modify Article III, Section 1, by deleting sub-section (h) and substituting in lieu thereof the following:

ARTICLE III—ADMINISTRATION

SECTION 2. It being found necessary, in order to support the Administration of this Chapter and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Divisional Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Chapter.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of this Division.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contributions as above set forth by all such members of this Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 3. Each member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Division complying with the Code and contributing to the expenses of its administration as provided in Section 2 of this Article (unless duly exempted from making such contribution), shall be entitled to participate in the selection of the Members of the Divisional Code Authority or to receive the benefits of its activities or to use any emblem or insignia of the National Recovery Administration.

SECTION 4. The Divisional Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimate except those which the Administrator shall have so approved.

Approved Code No. 244D—Amendment No. 1.
Registry No. 1616-2-22.



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